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2875

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	Filing Date	JUNE 14, 2001	
	First Named Inventor	KRETZSCHMAR	
	Art Unit	2875	
	Examiner Name	ANABEL YON	
Total Number of Pages in This Submission	10	Attorney Docket Number	IKD-01

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E. Richard Zamecki
E. Richard Zamecki

May 27, 2003
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Thomas E. Kretzschmar §
and Gilbert Thomas Pistole, Jr. §
Serial No.: 09/881,154 §
Filed: June 14, 2001 §
For: CONTOUR LIGHT PROJECTOR §

Art Unit No.: 2875

Examiner: Anabel Tor

RESPONSE TO OFFICE ACTIONS

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
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Sir:

INTRODUCTION

1. A response to the pending office action dated February 25, 2003 is timely filed by May 27, 2003 in view of the 25th of May being a Sunday and the 26th of May being the holiday Memorial Day.
2. An initial office action was dated December 19, 2002. That office action stated in its summary that the office action was in response to the communication filed on June 14, 2002 and not June 14, 2001, the application filing date. The office action further stated in the rejection of Claim 1 under 35 USC 102(e) that the changes made to that section under the American Inventors Protection Act of 1999 do not apply because the application was not filed on or after November 29, 2000 when in fact the filing date is June 14, 2001. Further, the office action failed to reference the two Information Disclosure Statements previously filed by the applicants, or any of the references listed in the respective accompanying Forms

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PTO-1449 with copies enclosed. Several telephone conversations between the undersigned representative and the examiner ensued in January 2003 regarding the shortcomings of the office action, in the course of which the examiner noted that references C1-C8 submitted with the first Information Disclosure Statement with the filing of the application were not in the Office file. Copies of these references were then faxed to the Office. Finally, in February, telephone conversations with the examiner and with the supervisory examiner revealed that a subsequent office action was being sent. That second office action is the pending office action, dated February 25, 2003.

3. Applicants note that the original office action included one rejection, that of Claim 1 under 35 USC 102(e) based on U. S. Patent No. 6,241,366 to Roman, et al. Claims 2-10 were objected to as depending from a rejected base claim, and Claims 11-21 were indicated as allowed. The present office action repeats the rejection of Claim 1 from the original office action and adds rejections of Claims 2, 3, 5 and 20, with additional reference to U. S. Patent No. 4,468,720 to Arai, cited in the second office action, and reference C1 which was cited and copied in applicants' first Information Disclosure Statement and submitted again to the Office by fax in January 2003. The present office action also repeats the error in its summation of referring to June 14, 2002 rather than the filing date of June 14, 2001.

4. Applicants take the position that the present office action supplants the office action of December 19, 2002, which was requested, so that the time for filing a response to both office actions began with the date of the second office action, that is, February 25, 2003. Applicants could hardly be expected to respond to rejections that were newly raised in the second office action before that date, nor should the applicants be required to respond to two office actions in overlapping response periods. Applicants request confirmation that the second office action takes the place of the first office action to restart the time for filing a response beginning with February 25, 2003.

5. Applicants further respond to the office action dated February 25, 2003 and also to the office action dated December 19, 2002 as follows.